

NO. 25357

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

KRISTY KEIKO NISHIMURA NAKAGAWA, Plaintiff-Appellee

vs.

PETER HISAO NAKAGAWA, Defendant-Appellant

APPEAL FROM THE FIRST CIRCUIT COURT
(FC-D NO. 00-1-1923)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama, and Acoba, JJ.
and Circuit Judge Raffetto, assigned by reason of vacancy)

Upon review of the record, it appears that (1) the supreme court clerk's office informed Appellant, by letter dated December 13, 2002, that the record on appeal cannot be filed without payment of the filing fee pursuant to Rule 3(f) of the Hawai'i Rules of Appellate Procedure (HRAP) or an executed motion to proceed in forma pauperis pursuant to HRAP Rule 24 and that the matter would be called to the attention of the court for such action as the court deemed proper pursuant to HRAP Rule 11(a), including dismissal of the appeal; and (2) appellant failed to pay the filing fee or submit a motion to proceed in forma pauperis; therefore,

IT IS HEREBY ORDERED that the appeal is dismissed.

DATED: Honolulu, Hawai'i, January 24, 2003.